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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,926

04/20/2004

Michael W. Nebel

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08/24/2005

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/828,926

Applicant(s)

NEBEL, MICHAEL W.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,11-17,24,25 and 27-35 is/are rejected.
- 7) ☒ Claim(s) 2,5,7-10,18-23 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/20/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of slots of claim 2, a commercial 18 wheel rig of claim 25, the slots of claim 31, and the slots of claim 32 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because in Figure 7, the lowermost reference number “328” should apparently be “327”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

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required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 302. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The disclosure is objected to because of the following informalities:

On page 7, line 19, "130" should apparently be "140".

On page 17, line 1, a space should be inserted before "350".

On page 18, line 2, a space should be inserted before "350".

On page 19, line 2, "to" should be inserted after "close".

On page 20, line 17, a space should be inserted before "350".

On page 23, line 4, a space should be inserted before "500".

Appropriate correction is required.

### *Claim Objections*

5. Claims 1, 19, 22, 28, and 32 are objected to because of the following informalities:

In claim 1, line 8, "is" should be "as".

In claim 1, line 12, "said" should be inserted before "first drive features".

In claim 19, line 2, "roller" should be "rollers".

In claim 22, line 7, "said" should be inserted before "first coupling gear".

In claim 28, line 15, "said" should be inserted before "first drive".

In claim 28, line 17, "said" should be inserted before "said drive features".

In claim 28, line 18, "an extended" should be "the extended".

In claim 28, line 19, "a retracted position" should be "the retracted position."

In claim 32, line 4, "shaft" should be "shafts".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Husaini.

For claim 33, Hussaini (5,248,180) discloses a sliding mechanism for extending and retracting a slide-out section of a recreational vehicle 10 having a support portion 14, the sliding mechanism comprising; a first side assembly (Figures 2-3) comprising a first track 32 and a first gear assembly 38; a second side assembly comprising a second track 36 and a second gear assembly 38; and a drive shaft 112 connecting the first gear assembly and the second gear assembly; wherein the first track and the second track are coupled to the slide-out section, the first track and the second track being configured to allow the slide-out section to move relative to the first gear assembly and the second gear assembly as a result of the first gear assembly and the second gear assembly being configured to drivingly engage the first track and the second track so as to extend or retract the slide-out section.

For claim 34, Hussaini discloses a sliding mechanism for extending and retracting a slide-out section of a recreational vehicle 10 having a support portion, the sliding mechanism comprising: a frame assembly mounted to the support portion; an upper track 32 coupled to an

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upper portion of the slide-out section; the upper track being configured to allow the slide-out section to move relative to the frame assembly; an upper gear assembly 38 mounted in the frame assembly and configured to drivingly engage the upper track so as to extend or retract the slide-out section; a lower track 36 disposed on a lower portion of the slide-out section; the lower track being configured to allow the slide-out section to move relative to the frame assembly; a lower gear assembly 38 mounted in the frame assembly and configured to drivingly engage the lower track so as to extend or retract the slide-out section; and wherein the upper gear assembly and the lower gear assembly are powered by a single drive mechanism 98.

With regard to claim 35, the upper and lower tracks are substantially perpendicular to one another.

8. Claims 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Young.

Young (5,634,683) discloses a sliding mechanism for extending and retracting a slide-out section of a recreational vehicle having a support portion, the sliding mechanism comprising: a frame assembly mounted to the support portion; an upper track 30a, 30c coupled to an upper portion of the slide-out section; the upper track being configured to allow the slide-out section to move relative to the frame assembly; an upper gear assembly 50a mounted in the frame assembly and configured to drivingly engage the upper track so as to extend or retract the slide-out section; a lower track 30d, 30e disposed on a lower portion of the slide-out section; the lower track being configured to allow the slide-out section to move relative to the frame assembly; a lower gear assembly 50d, 50e mounted in the frame assembly and configured to drivingly engage the lower

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track so as to extend or retract the slide-out section; and wherein the upper gear assembly and the lower gear assembly are powered by a single drive mechanism 42.

With regard to claim 35, the upper and lower tracks are substantially perpendicular to one another.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3-4, 6, 11-17, 24-25, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussaini in view of Bortell.

Hussaini (5,248,180) discloses the claimed invention except for the pair of second guide members disposed on an outer surface of a pair of opposite side walls of the slide-out section.

Bortell (6,783,164) teaches first and second guide members disposed on the outer surface of opposing side walls of a slide-out section for a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the pair of second guide members of Hussaini on the outer surface of opposing side walls as taught by Bortell as an obvious expedient in order to allow the slide-out section to have a greater interior height which would otherwise be occupied by the second guide members disposed at the top of the slide-out section.



*Allowable Subject Matter*

11. Claims 2, 5, 7-10, 18-23, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**14. Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

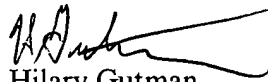
**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**or:**

(571) 273-6662, (for informal or draft communications, please clearly label

"PROPOSED" or "DRAFT").

  
Hilary Gutman  
August 16, 2005